



FH
[REDACTED]

STATE OF WISCONSIN
Division of Hearings and Appeals

In the Matter of

[REDACTED]
[REDACTED]
[REDACTED]

DECISION

FOO/170802

PRELIMINARY RECITALS

Pursuant to a petition filed December 16, 2015, under Wis. Admin. Code § HA 3.03(1), to review a decision by the Dane County Department of Human Services in regard to FoodShare benefits (FS), a hearing was held on February 04, 2016, at Madison, Wisconsin.

The issue for determination is whether the respondent correctly determined petitioner's FS allotment.

There appeared at that time the following persons:

PARTIES IN INTEREST:

Petitioner:

[REDACTED]
[REDACTED]
[REDACTED]

Respondent:

Department of Health Services
1 West Wilson Street, Room 651
Madison, Wisconsin 53703

By: [REDACTED]
Dane County Department of Human Services
1819 Aberg Avenue
Suite D
Madison, WI 53704-6343

ADMINISTRATIVE LAW JUDGE:

Peter McCombs (telephonically)
Division of Hearings and Appeals

FINDINGS OF FACT

1. Petitioner (CARES # [REDACTED]) is a resident of Dane County.
2. He is an ongoing FS recipient; he is an FS household of one.
3. At all times relevant to this matter, the petitioner's monthly rent was \$300.00 and he was responsible for his gas and electric.

4. On August 28, 2015, the agency sent the petitioner notice that effective October 1, 2015, his monthly FS benefits were decreasing from \$17.00 to \$16.00.
5. On December 16, 2015, the petitioner filed a request for fair hearing with the Division of Hearings and Appeals.
6. The petitioner is eligible for \$16.00 in monthly FS benefits effective October 1, 2015.

DISCUSSION

In calculating the petitioner's FS allotment, the agency must follow a procedure prescribed by the federal FS regulations, and echoed in the Department's *FS Wisconsin Handbook*. The federal rule requires the county to start with gross income, deducting a limited number of identified deductions from that income to calculate the adjusted income. *FSWH*, 1.1.4. The regulations direct that a Standard Deduction be subtracted from income in all FS cases. 7 C.F.R. §273.9(d)(1). The Standard Deduction for a household size of 1 is \$155, per *FS Wisconsin Handbook*, 8.1.3. There are additional deductions including earned income deduction, excess medical and dependent care. 7 C.F.R. §273.9(d)(3). An Excess Shelter Deduction can be subtracted if allowable shelter expenses exceed half of the adjusted income. 7 C.F.R. §273.9(d)(6)(ii).

The petitioner's budget was calculated as follows:

Earned Income:	\$1810.45
Earned Income Deduction	(\$362.09)
Standard Deduction	<u>(\$155.00)</u>
Adjusted income:	\$1293.36
Shelter deduction:	<u>(\$336.32)¹</u>
Net Adjusted income:	\$957.04

The FS allotment is determined by multiplying the Net Adjusted income by 30%, and then subtracting that from the maximum FS allotment of \$194.00:

Maximum FS allotment:	\$194.00
30% Net Adjusted income:	<u>(\$287.00)</u>
	(\$93.00)
FS Allotment:	\$16.00

Because petitioner is categorically eligible, he receives the minimum FS allotment. I have reviewed the respondent's calculations, and have found no error.

CONCLUSIONS OF LAW

The agency correctly calculated the petitioner's FS benefits effective October, 1 2015, in the amount of \$16.00.

THEREFORE, it is

ORDERED

That this petition is dismissed.

¹ Rent plus a utility standard deduction results in petitioner's rent/utility cost. 50% of the petitioner's adjusted income is subtracted from the rent/utility cost, which provides the petitioner's shelter deduction.

REQUEST FOR A REHEARING

You may request a rehearing if you think this decision is based on a serious mistake in the facts or the law or if you have found new evidence that would change the decision. Your request must be **received within 20 days after the date of this decision**. Late requests cannot be granted.

Send your request for rehearing in writing to the Division of Hearings and Appeals, 5005 University Avenue, Suite 201, Madison, WI 53705-5400 **and** to those identified in this decision as "PARTIES IN INTEREST." Your rehearing request must explain what mistake the Administrative Law Judge made and why it is important or you must describe your new evidence and explain why you did not have it at your first hearing. If your request does not explain these things, it will be denied.

The process for requesting a rehearing may be found at Wis. Stat. § 227.49. A copy of the statutes may be found online or at your local library or courthouse.

APPEAL TO COURT

You may also appeal this decision to Circuit Court in the county where you live. Appeals must be filed with the Court **and** served either personally or by certified mail on the Secretary of the Department of Health Services, 1 West Wilson Street, Room 651, Madison, Wisconsin 53703, **and** on those identified in this decision as "PARTIES IN INTEREST" **no more than 30 days after the date of this decision** or 30 days after a denial of a timely rehearing (if you request one).

The process for Circuit Court Appeals may be found at Wis. Stat. §§ 227.52 and 227.53. A copy of the statutes may be found online or at your local library or courthouse.

Given under my hand at the City of Madison,
Wisconsin, this 25th day of February, 2016.

\sPeter McCombs
Administrative Law Judge
Division of Hearings and Appeals



State of Wisconsin\DIVISION OF HEARINGS AND APPEALS

Brian Hayes, Administrator
Suite 201
5005 University Avenue
Madison, WI 53705-5400

Telephone: (608) 266-3096
FAX: (608) 264-9885
email: DHAmail@wisconsin.gov
Internet: <http://dha.state.wi.us>

The preceding decision was sent to the following parties on February 25, 2016.

Dane County Department of Human Services
Division of Health Care Access and Accountability